

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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U.S. DISTRICT COURT
SAN JUAN, P.R.

HOMESHIELD INDUSTRIES, INC.

Plaintiff

v.

CIVIL NO. 96-2499

FRANCISCO PACHECO CORTES et al

Defendant

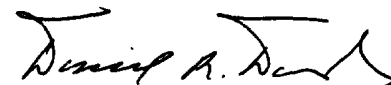
ORDER

On April 12, 2000, the Court granted Plaintiff fifteen (15) days to move for entry of default and default hearing after Defendants again failed to comply with Court Orders. (Docket No. 44). The Court noted that entry of default had been previously granted and vacated and that Defendants nonetheless continued to willfully fail to comply with Court Orders and were playing "fast and loose" with the Court. See Aoude v. Mobil Oil Corp., 892 F.2d 1115, 1122 (1st Cir. 1989) (playing fast and loose with the Court justifies so extreme a sanction as dismissal); Polansky v. CNA Ins. Co., 852 F.2d 626, 632 (1st Cir. 1988) (attempts 'to play fast and loose' with the judicial system not favorably viewed). See also Acadia v. Ford Motors Inc., 44 F.3d 1050, 1058 n.11 (1st Cir. 1995); Payless Wholesale Distributions, Inc. v. Alberto Culver (P.R.) Inc., 989 F.2d 570, 571 (1st Cir. 1993); United States v. Flores, 968 F.2d 1366, 1371 n. 5 (1st Cir. 1992). Thus, although the Court favored disposition of the parties' claims on the merits, the Court found that extreme sanctions were justified.

Plaintiff has duly complied with the Court's Order and now requests entry of default, dismissal of Defendants' counterclaim and scheduling of a non-jury hearing to determine damages. (Docket No. 45). The Court hereby **GRANTS** Plaintiff's requests and **ORDERS** that default be entered against Defendants and default hearing be held on June 6, 2000, at 9:00 a.m. Further, given Defendants' willful and repeated noncompliance with Court Orders and the fact that Defendants continue to play "fast and loose" with the Court, Defendants' counterclaim is **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

Date: May 31, 2000



DANIEL R. DOMINGUEZ
U.S. DISTRICT JUDGE

Fco. Pacheco

46